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The papers contributed to the Federalist are familiar to almost every one who has had a university education, or has striven to acquire for himself a thorough understanding of our Federal organic law. On the other hand, the scarcely less important writings of James Wilson of Pennsylvania have been out of print for well nigh a century, although their author as a member of the Continental Congress and of the Philadelphia Convention, and as one of the first Justices of the United States Supreme Court, was qualified by opportunities, as well as by intellect and learning, to rank among the highest authorities regarding the intentions of the framers of the Constitution. It is a signal service, therefore, which Mr. James De Witt An draws has rendered us by preparing the new edition of The Works of James Wilson, which i now published in Chicago by Messrs, Callaghan & Co. The writings consist, for the most part of a series of lectures composed by the author when professor of law in the College of Phila delphia during Washington's first Administra on. To these is added an essay on the nature and extent of the legislative authority of Parlis ment, published in August, 1774, wherein the author laid down the fundamental principl which was subsequently to appear in our Declaration of Independence, that "all mer are by nature equal and free," and that "all lawful government is founded on consent." another appendix will be found the speech i vindication of the colonies, delivered by Wilson in the Pennsylvania Convention in January 1775. This was not the only momentous co tribution made really by Wilson, but currently credited to another, to the essential idea that lie at the base of our political edifice. To Daniel Webster is attributed commonly the as sertion that the Federal Constitution is not compact. As a matter of fact, it was Jame Wilson who, in the Philadelphia Convention itself, declared: "This system is not a compact cannot discern the least trace of a compac The introduction to the work is not an unmean ing flourish; the system itself tells what it is, a

ordinance, an establishment of the people." resent notice, after a brief review Wilson's life, we shall indicate some of his mor interesting comments on the legislative, executive, and judicial powers assigned by the Con stitution to the Federal Government.

James Wilson, like Alexander Hamilton, wa not a native of the country in which he passed most of his life, and to which he rendered it estimable service. He was born near St. An drew's, Scotland, in September, 1742, and was educated at St. Andrew's, Glasgow, and Edinburgh. He came to Pennsylvania in 1763, only twelve years before the outbreak of the Revolutionary war, and soon afterward be came a totor in the Philadelphia College when he soon acquired, and, as his writings show, de served, great distinction as a classical scholar He studied law with John Dickinson, and i due time was admitted to the bar. He was member of the Provincial Convention held i Philadelphia in 1775, and was elected a deput to the Continental Congress in May of tha year. He was appointed Director-General of the Pennsylvania militia and acted a Advocate-General for France in America. H was a member of the committee that drafted the State Constitution of Pennsylvania, and he was not only a member of the Convention which framed the Federal Constitution, but Chairman of the committee which reported that document But for him it is probable that the Constitution would have had as doubtful a reception from the Pennsylvania Convention as it had from th Conventions of Massachusetts, Virginia, and New York. Much has been written about the flerceness of the contest in the three State last named, but until recently little has bee heard about the bitter and desperate fight in the Pennsylvania Convention. From this point of view "Elliott's Debates" are open to grave criticism. Mesers. McMaster and Stone in their "History of Pennsylvania" assert tha "Elliott's Debatea," so far as they re late to the struggle over the Federal Constitu tion in that State, are historically faise and discreditable to the compiler's industry, and they assert that with truth it may be said that to James Wilson was due the honor of the in strument's ratification by that body. Me George Ticknor Curtis has pointed out that "Wilson's speech in the Pennsylvania Conven tion, called for the purpose of ratifying or re jecting the Constitution, is one of the mos omprehensive and luminous commentaries or the Constitution which has come down to us from that period. It drew from Washington inm, and it gained the vote of Penn sylvania for the new Government against she ingenious and captivating objections much the wrote Bancroft: "But for one thing, without doubt, Pennsylvania would have refused to ratify the Constitution, and that one incident marks alike the technical knowledge, the comrehenaive grasp, and the force of argument of this great man [Wilson]. The fiercest day's de bate in Pennsylvania was upon the omission in the Federal Constitution of a Bill of Rights Wilson, rising to prove that there was no need of a Bill of Rights, said: 'The boasted Magne Charta of England derives the liberties of the inhabitants of that kingdom from the gift and grant of the king, and no wonder the people were anxious to obtain Bills of Rights. But here, the fee simple remains in the people, and, by this Constitution, they do not part with it. The preamble to the proposed Constitution, "We, the people of the United States, do establish," contains the essence of all the Bills of Rights that an be devised." We learn from Messrs, Mc-Master and Stone that Wilson gained his greatest reputation as an advocate and an orator, and Graydon, in his memoirs, says: "He never falled to throw the strongest light on his subjects, and seemed rather to flash than elicit convictions syllogistically. He produced greater orations than any other man I have heard." The may or address put forth in August, 1774, on the legislative powers of British Parliament stands unequalled by anything upon the same subject, and the ar gument upon the Bank of North America stands as a constitutional exposition second to no onstitutional argument or opinion delivered before or since. Indeed, it not only embrace every ground of argument which Chief Justice Marshall was called upon to stand, but it assumed and defended precisely the position recently taken in the legal tender decisions

James Wilson died in August, 1798, at the comparatively early age of fifty-six, leaving be aind him a memorable opinion upon constitu tional law, that propounded in the case of Chisholm versus Georgia, which was the first of the great constitutional cases to arise in the al Supreme Court. Of the decision in the ease, Judge Cooley says: "Justice Wilson, the ablest and most learned of the associates, took the national view, and was supported by two thera. The Chief Justice was thus enabled declare as the opinion of the Court that, under the Constitution of the United States, soy ereignty belonged to the people of the United After this clear and authoritative declaration of national supremacy, the power before it at the suit of an individual might, no doubt, be taken away by an amendment to the Constitution-as was, in fact, done-without impairing the general symmetry of the Federal structure or inflicting upon it The Union might any irremediable injury. survive and accomplish the beneficent purposes intrusted to it, even though it might lack the power to compel the States to perform their obligations to creditors. We shall not pause to show what indeed is self-evident, that the Union could scarcely have had a valuable exfatence had it been judicially determined that powers of sovereignty were exclusively in the States, or in the peoples of the States Neither is it important we proceed to demonstrate that the docprine of an indissoluble Union, though not

We add that the criticism presented in these

lectures on the principal assumptions made by

Blackstone in his Commentaries, although for

many years unheeded in this country, has long

en accepted in England.

in terms declared, is, nevertheless, in its elements at least, contained in the decision. objection would operate with irresistible The qualified sovereignty, National and State, the subordination of State to Nation, the posttion of the citizen as a necessary part at once of the Federal and of the State system, are all exhibited. It must logically follow that a nation as a sovereignty is posessed of all those powers of independent action and self-protection which the successors of Jay ubsequently demonstrated were, by implication, conferred upon it." Further proof of the correctness of Wilson's conclusions upon Con stitutional questions is furnished by the fact that, from the outset, he maintained it to be the power and the duty of the Federal Court to declare void legislative acts which contravened the Constitution. He also clearly explained that a legislative grant was a contract, and, in his exposition of the subject, main-tained that the charter of a corpora-tion might, in some cases, be a contract, which view was subsequently adopted in the Dartmouth College cases. Still more remarkable was his argument upon the inherent powers of the nation, which, he maintained, existed ontside of enumerated powers, in cases where the object involved was entirely beyond the power of the State, and was a power ordinarily posse sovereign nations. In a word, James Wilso was one of the greatest men of the revolution ary and Constitution-making era, and, had h lived another quarter of a century, as he migh have been expected to do, his name would have een as familiar in our mouths as that of Mar shall or Jay.

It is the second of these two volumes the ontains the lectures in which Judge Wil

on specifically discussed the Constitution of the States, an instrument United whereof he had been one of the princi pal devisers. A preliminary word, how ever, should be said about one of the lecture omprised in the first volume, wherein the au thor examines and compares the four differen political systems, the choice among which la before the American colonies after the achieve ment of their independence. They might have ensolidated themselves into one government! which the separate existence of the States would have been entirely absorbed. They might hav rejected any plan of union or association, and have acted as distinct and unconnected States They might have formed two or more confed eracles. Or, lastly, they might have united, a they did in fact unite, in one Federal republic The conviction was expressed by Wilson that to support with vigor a single government over the whole extent of the United States would de mand a system of the most unqualified and the most unremitted despotism; nay, even despoism itself, extended so far and so wide, would totter under the weight of its own unwield: ness. He thought, on the other hand, that sep arate States, numerous as those of Ameri then were, and still more numerous as he say must become, contiguous in situs tion, but unconnected and disunited in government, would, at one time, be th prey of foreign force, influence, and in trigue; at another, the victim of mutual rage rancor, and revenge. Would it in the third place have been proper to divide the United States into two or more confederacies? Wilson deemed it advisable to examine this question with particular attention. Some of the aspect under which it might be viewed seemed to his at first sight far from uninviting. Two or mor confederacies would be each more compact an more manageable than a single one extending over the same territory. By dividing the Unite States into two or more confederacies the grea collision of interests, apparently or really diffe ent or contrary in the whole extent of their dominion, would be lessened, and, in a great measure, averted in the several parts. But Wilson pointed out that these advantages, dis cernible from certain points of view, would be greatly overbalanced by inconveniences which would appear on a closer inspection. Animosities, and perhaps wars, would arise from assigning the extent, limits, and rights of the different confederacies. The expenses of governing would be multiplied by the number of Federal governments. The danger resulting from foreign influence and mutual dissension would not, perhaps, be less great and alarming in the instance of different confederacles than in the instance of different, though more numer ous, unassociated States. In Wilson's opinion these observations were sufficient to show that a division of the United States into a number of separate confederacies would be an unsatisfac tory and unsuccessful experiment. It remained for him to consider the only other possible sys into one confederate republic. He did not deem it needful to employ many arguments to show that this was the most eligible system which could have been proposed. By adopting it, the vigor and decision of a widespreading onarchy would be associated with th freedom and beneficence of a compacted ommonwealth. On one hand, the extent territory, the diversity of climat and soil, the number and greatness and con nection of the lakes and rivers with which the United States are intersected and almost sur rounded, all indicated an enlarged government to be fit and advantageous for them. On the other hand, the principles and dispositions of their citizens rendered it probable that, in this enlarged government, liberty would reign triumphant. It was, of course, agreeably to these principles that the United States was formed into one confederate republic; first, under the

our present national Government.

Articles of Confederation; afterward, under

We pass now to some of Wilson's comments on the provisions of the Constitution which relate to the legislative department. It will be remembered that a member of the House of Representatives must, when elected, be an inhabitant of the State in which he is chosen, Wilson not only approves of this regulation, but also of the usage not prescribed by the Constiution, but generally sanctioned by the States that he must be a resident of the Congress dis trict which elects him. It is well known that the exercise of the suffrage is qualified by the condition of residence in a particular county and township. Wilson submits that the same easons alleged in favor of disqualification for a voter on the score of non-residence operate with equal, and, indeed, with greater force, in favor of compelling a Representative to reside in the district which elects him. He points out that similar provision was made in England at the beginning of the fifteenth century. By a statute made in the first year of Henry V. it was enacted that "the knights of the shires which, from henceforth, shall be chosen in every shire, be not chosen unless they be resiient within the shire where they shall be chosen the day of the date of the writ of the summons of the Parliament." "Moreover, it is ordained and established that the citizens and ourgesses of the cities and boroughs be chose men, citizens and burgesses, resident, dwelling and free in the same cities and boroughs, and no other in any way." Wilson notes that this

statute, though still unrepealed, had, in his time, been long and openly disregarded. Is there any good reason why United State Senators should not be elected by the people, instead of by the Legislatures of the severa States, as they are now? Some have considered the Senators as immediately representing the sovereignty of the several States, while the members of the other House immediately represent the people thereof. This opinion is founded on a doctrine which Wilson examines in one of these lectures, and, as he believes, is successful in refuting; we refer to the doctrine that the legislative power is the supreme power of the State. Wilson undertakes to show the supreme power in a given State resides in the people thereof, and consequently cannot be in any wise, impaired through an election of the Senators by the people. been argued that, to choose the Senators by the same persons by whom the members of the House of Representatives are chosen, would be to lose the material distinction, and, th all the benefits accruing from the material distinction, between the two branches of the Federal Legislature. If this, indeed, should be the

necessary consequence of electing both branches

orce. But he assigns many and strong reasons for thinking why all the advan to be expected from two branches of Legislature may be gained and preserved hough those two branches derive their authority from precisely the same source. Experience ndeed, has shown that State Senates do not lack the advantages expected from a second chamber, although they derive their authority from precisely the same source as do the lower branches of the State Legislature. It is evident that Wilson, were he living now, would favor an amendment of the Federal Constitution pr viding that Senators should be elected by the cople of the several States instead of by their

Legislatures. Elsewhere the author of these lectures cor siders the prescription of the Federal Constitu tion that each House of the Legislature shall be the judge of the qualifications and also of the lections of its own members. By the Constitu tion of Pennsylvania it was laid down that each House should judge of the qualifications of its members; but contested elections were to be de ermined by a committee to be selected and res ulated in such manner as should be directed by aw. With regard to this subject Wilson thought that the Constitution of Pennsylvani had improved upon that of the United States. It is true enough that the House of Representatives in its first session appointed a standing committee of election, but Judge Wilson would not have approved of the usag which has grown up, whereby, as a rule, this committee simply registers the will of a partisan majority of the House. As regards the pro rision of our Federal organic law that the mem bers of the national Legislature shall not be questioned in any other place for any speed or debate in either House, Judge Wilson holds the implication to be strong that for speeche in either House they may be questioned and ensured in that House in which it is spoken. It is well known that in the British Parlie

ent the House of Commons will not suffer the House of Lords to exert any power over noney bills except those of concurrence or re jection. Our Federal Constitution, on the other and, provides that while all bills for raising revenue shall originate in the House of Repre entatives, the Senate may propose amend menta, as in other bills. Examining the reason for the difference, Wilson notes that House of Commons could originally grant no larger an amount of money than permitted by their instructions, and thus it grew to be the custom that they sh begin by mentioning the sum which they were empowered to give. Having beco possessed of this privilege, they clung to it for sons. In the course of time the prop erty of the peerage, considered in relation to the general property of the kingdom, became a small that it was judged unreasonable to alter the general system of taxation. It is evident that the reasons which originally had weight in England are inapplicable in the United States. In England. the upper House is not a representative body. and acts entirely in its private and separat right. In the United States, on the other hand, oth Houses of the Federal Legislature dratheir authority either immediately, or, at least not remotely, from the same common foun tain. But, though the restriction of the powers of the upper House with regard to money bills is by no means so neces sary here as it is in England, yet Judge Wilson recognized its use, so far as it has been adopted in our Constitution. Our House of Representatives is much more numerous than the Senate, and the members of the former body are chosen much more frequently than are the members of the latter. For these reasons information more local and minute may be expected in the House of Representatives than can be expected in the Senate. This minute and local information will be of service in sug gesting and in collecting materials for the laws of revenue. After those materials are collected and prepared, the wisdom and the patriotism of both Houses will be properly employed in forming them into a suitable system.

The qualified negative on the proceedings of congress given by the Constitution to the President of the United States was thought by Wilson to possess advantages over the absolut negative nominally vested in the Crown of Grea Britain over the proceedings of the Lords and Commons. Wilson was sufficiently familiar with the history of his century to know that re course would not be had in England to the veto ower, except on occasions of the greates emergency. As a matter of fact, it has not been exercised since the reign of Anne. Wilson approved of our qualified negative, for the reason that it would be exercised er. He considered its en experiment of neither dangerous doubtful issue. A small bias on the part of Congress, it would overturn without noise or difficulty. To the operation, on the other hand, of a powerful bias, which cannot be safely checked or diverted, it leisurely and decently gives way. The qualified negative possessed b the President of the United States is pronounced highly advantageous from another point of view; it forms an index by which, from time to time, the strength and height of the current of public opinion in public movements may, with considerable exactness, be escertained. If the majority in favor of a measure consist of less than two-thirds of both House it seemed to Wilson reasonable that dissent of the executive department should suspend the business already so nearly in equilibrio. On the other hand, if, after all the discussion, investigation, and consideration which must have been employed on a bill in its different stages before its presentment to the President of the United States, and after its return from him with his objections to it, two-thirds of each House should still believ that it ought to be passed into a law, this would be a proof that the current of public opinion its favor was so strong that it ought not to be opposed. When called for so long and so loudly, the legislative experiment, though doubtful,

ought to be made. It is remarkable that Judge Wilson, writing in 1790-92, should not only have contradicted Sir William Blackstone, but long have antici-pated the historian Edward A. Freeman, by everring that the elective character of the title of our first executive magistrate is a renewal of feature of the ancient English Constitution He points out that all the kings of the Saxon ace were elected to their kingly office, and that even William the Conqueror, stooping under the Saxon law, became a king by leave, opining that a title by election would be more stable than a title by power. It was Henry III, who brought in with him the first precedent of sucsion by inheritance to the throne of England, and this precedent was repeatedly broker With respect of the power of the President to nominate, and with the adrice and consent of the Senate to appoint, Ambassadors, Judges of the Supreme Court, nd a large proportion of the other officers of the United States, Judge Wilson adverts to an important difference between the Constitution of the United States and that of Pennsylvania. By the latter, the first executive magistrate coasesses, uncontrolled by either branch of the Legislature, the power of appointing all officers whose appointments are not in the Constitution itself otherwise provided for. Accepting the maxim that the legislative and executive powers ought to be preserved distinct and unmingle in their exercise, Judge Wilson was "free to confess that, with regard to this point, the proper principle of government is, in my opinion, observed by the Constitution of Pennsylvania much more correctly than it is by the Constitution of the States. In justice, however, to the latter it ought to be remarked that, though the appointment of officers is to be the concurrent act of the President and Senate, yet an indispensible prerequisite—the nomination of themis vested exclusively in the President. The observations which I have delivered concerning the appointment of officers apply likewise to treaties, the making of which is another power that the President has with the advice and consent of the Senate." We should note that the

was made after the Constitution of the United States, and that what Judge Wilson deems improvements on the last loubtless inserted in the former largely on his suggestion, or through his influence.

It is probably due to James Wilson in no small

measure that our President has no Ministers ecountable to the House of Representatives Upon this point he speaks at length on page 00.400 of the first volume. He observes that the British throne is surrounded by counallow although with regard to their anthority, a profound and mysterious silence ts maintained." One effect they certainly produced, but it is pronounced a perniciou one. "Between power and responsibility they interpose an impenetrable barrier. Who pos sesses the executive power?" When Wilson was writing, it was proper enough to reply, the King. "When its baneful emanations fly over the land, who are responsible for the mischief? His Ministers. Amid their multitude, and the secrecy with which business, epecially that of a perilous kind, is transacted it is often difficult to select the culprits; still nore so to punish them. The criminality is diffused and blended with so much variety and intricacy that it is almost impossible to ascer tain to how many it extends and what particular share should be assigned to each." Here, of sourse, the author of these lectures had in mind the difficulty of fixing responsibility for the measures which provoked the American colonies to revolt. "In the United States," he continues, "our first executive magistrate not obnubilated behind the mysterious obscurity of counsellors. Power is com nunicated to him with liberality, though with ascertained limitations. To him the provident or improvident use of it is to be as cribed. For the first, he will have, and deserve undivided applause. For the last, he will be subjected to censure; if necessary, to punish ment. He is the dignified but acc intable magistrate of a free and great people." From this passage, penned by one of the most able and influential members of the Philadelphia Convention, we can see that by denying to the President responsible Ministers, it was intended o weaken and control him. As a matter of act, impeachment having proved an ineffect nal instrument of control, the withholding of Ministers accountable to the House of Repre entatives now seems to many of us a blunder

At the time when these lectures were written

consider the question. In several instances State courts had declared laws unconstitutional and invalid hat there were men of respectability and weight who at this time enertained and subsequently asserted that the egislative power was supreme, and the judic lary had no right to proclaim a legislative act vold. From the outset a contrary opinion was advocated by Judge Wilson. From a passage on page 416 of the first volume, it will appear that to him is largely due the supervisory, lative, and nullifying power exercised by the Federal Supreme Court over Federal legislation So interesting is this passage that we quote it ver batim and at length: "Now let us suppose that the Federal Legislature should pass an act nanifestly repugnant to some part of the Constitution; and that the operation and valid ty of both should come regularly in question before a court forming a portion of the judicial department. In that department the judicial power of the United States is vested by the cople who ordained and established the Con stitution. The business and design of the judicial power is to administer justice according to the law of the land. According to two con tradictory rules, justice, in the nature of things, cannot possibly be administered. One of them of necessity, give place to the other. Both, according to our supposition, regularly before the court decision on their operation and validity. It is the right and the duty of the court to decide upon them. Its decision must be made, for justice must be administered according to the law of the land. When the question occurs, What is the law of the land? It must also de cide this question. In what manner is this question to be decided? The answer seems to be a very easy one. The supreme power of the United States, that is to say, the people ex pressing themselves through the Constitution as given one rule; a subordinate power in the United States, namely Congress, has given a contradictory rule. The former is the law of the land; as a necessary consequence, the latter is rold and has no operation. In this manner it is the right it is the duty of a court of justice under the Constitution of the United States, to decide. Judge Wilson goes on to show that such is the necessary result of the distribution of powe made by the Constitution between the legislative and the judicial departments. The same Constitution is the supreme law to both. If that Constitution be infringed by one, it is no reason that the infringement should be abetted, though it is a strong reason that it should be discountenanced and declared void, by the other. The effects of this salutary regulation, neces sarily resulting from the Constitution, are pronounced great and illustrious. In consequence of it the bounds of the legislative power, a power the most apt to overreach its bounds, are no only distinctly marked in the system itself. but effectual and permanent provision is made that every transgression of those bounds shall be adjudged and rendered vain and fruitless. Not that the regulation throws disparagement on the legislative authority of the United States. It does not confer on the judicial department a power superior, in its general na ture, to that of the Legislature, but confers upon it in particular instances, and for particular purposes, the power of declaring and enforcing

supreme law of the land. We repeat that the writings of James Wilso hould find a place in every library, on the same helf with "Elliott's Debates" and with "The Federalist" as among the most authoritative examples of contemporary exposition of the aims contemplated by the framers of the Federal Constitution. M. W. H.

the superior authority of the Constitution-the

Something New About Burns,

The Lafe and Works of Robert Burns (Long mans, Green & Co.) is, in form, a reprint of the well-known blography compiled by ROBERT CHAMBERS forty-five years ago. In the two volumes thus far published, however-the work will be completed;in four-there is a great deal that is new. The last forty years have witnessed an extraordinary production of literature relating o the life and compositions of Burns, and Mr. WILLIAM WALLACE, the editor, has ince porated the poems, songs, and letters which have been discovered since 1851, together with such new biographical and historical facts as have been verified. An effort, also, has be nade to remove the difficulties that stand in the way of the English readers of Burns by coplous explanatory notes and a full marginal glossary of Scots words. As in the original edition, th poems, the letters, and the biographical narrative are so combined and arranged as to show their relation to one another, to present a view of social life in Scotland during the later half of the eighteenth century, and to illustrate the circumstances in which Burns lived his extraordinary life and did his extraordinary work.

We shall not attempt in the present notice to review a subject so familiar as the life of Robert Burns, but shall confine ourselves to some of the new matter brought forward in the appendices, although this by no means represents the whole of the contributions made by Mr. Wallace, who has rewritten a large part of the text and added a multitude of foot notes.

The first of the appendices is devoted to Burns's ancestry. There is, of course, no doubt that the poet was descended through both father and mother from small farmers. On the father's side the family can be traced back to four generations of Kincardineshire yeomen, and there were tenant farmers of his name on the estate of Inchbreck in that county in the middle of the sixteenth century. At the top of the poet's authentic genealogical tree stands the name of Walter Burnes, of whom nothing is known but that he died in depressed circumstances in the parish of Glenbervie in the Mearns be-Constitution of Pennsylvania here referred to 1

fore the middle of the seventeenth century. An air of mystery has been thrown around this Walter Burnes by a tradition, which lingered on into the present century, that his real name was Campbell and that he was a refugee from Argylishire. Mr. Wallace shows that the story does not bear examination. The son of Walter Burnes bore the same name; he learned a trade, and, living industriously and frugally, saved a little money, by which he was enabled to take a farm of some sixty acres on the estate of Inchbreck n Glenbervie parish, where he lived till his death in 1070. Of his four sons, the only one that concerns us is James, who became tenant first of Hawkhill and afterward of Bralinmur, Inchbreck, at a rent of £300. He died in 1743 at the age of 87. Of James's five sons, the eldest, Robert Burnes, rented first the farm of Kinmonth. In 1721, the year when his third son, William, father of the poet was born, he removed to the farm of Clochus hill, of a very poor soll, on the estate of the Earl Marischal, who was attainted in 1710 for his connection with the rising of 1715. This Robert Burnes, the poet's grandfather, married Isabella, daughter of Alexander Keith, a tenant on the Marischal estate, and they had ten children. The third son, William Burnes, migrated to Ayrahire, where he died in 1784. He was, as we have said, the father of Robert Burns, the

On the mother's side also the poet came of s

tenant farmer stock. His mother, Agnes Broun

was the daughter of Gilbert Broun, farmer

Craigenton, Kirkoswald, There were Bronns i

reign a Robert Broun forfeited the lands of

Auchingrane in Ayranire, and an Adle Brou

forfeited a portion of land in the Sheriffdom of

Ayr. Brouns were burgesses of Ayr in the fi

Scottish poet.

teenth century, and from that time onward were found in the burgh as traders, litsters, &c. The family apread to neighboring parishes Burns's mother traced her descent John Broun, farmer at Craigenton at the end of the seventeenth century. He man ried Jennet McGraen; their son, Gilbert born 1708, became leasee of Craigenton, which was a farm of 100 imperial acres. He married Agnes Rennie, the daughter of a baker in Ayr They had four sons and two daughters, of who Agnes, the poet's mother, was the eldest child. She was only 10 at her mother's death, and the charge of the other children fell to her care and thus, young as she was she was forced into premature thoughtfulness. She had bee taught to read her Bible and repeat the pealms -1790-92—there were many who denied the power of the Federal judiciary to declare a law by a weaver in the village, but, at her mother' death, even this humble kind of education came nconstitutional. The Supreme Court of the to an end. The mother of Burns was never able United States had not yet been called upon to to write her own name. Her mind, however, was shrewd and intelligent, though unavoidably warped with prejudices. After her father's second marriage, in 1744, Agnes Broun was sent to live with her mother's mother, Mrs. Rennie, who, in her younger days, had asset clated with the persecuted Covenanters. When Mrs. Renniewas more than ordinarily please with her granddaughter's doings at the wheel the gave her for lunch a piece of brown bread, with a bit of white added to it by way of dainty. oth being only varieties of catmeal cake. While living with her grandmother, Agnes coeasionally acted as horse driver to a ploughman, William Nelson, and assisted him to thresh the corn with the fiall. They became attached, and were engaged for seven years, when, at the mature age of twenty-six, she gave him up, in conequence of a moral lapse on his part of the tind most apt to alienate a woman's affection. Soon afterward William Burnes happened to meet her at a Maypole fair. He had been well affected to a girl be used to meet frequently at Alloway Mill, and had kert a letter addressed to her for some time locked up in his trunk. He was now so much pleased with Agnes that, in mediately on returning home, he took the epis-tle from his trunk and burned it. Aber he had been Agnes's devoted admirer for a twelve month they were married, in December, 175 They at once took up their residence in the clay cottage, where, thirteen months later, their first child. Robert Burns, was born. We are told that Mrs. Burnes had a fine complexion with pale-red hair and beautiful dark eyes She was of a neat, small figure, extremely active and industrious, naturally cheerful, but, in later life, possessed by anxieties, no doubt a consequence of the life of hardship and diffi culty through which it had been her lot to pass It is especially to be noted that she sang very well, and had a never-failing store of old ba lads and songs, on which her son must have fed boyhood. As a trait of the of Mrs. Burnes (so her husband spelled his name to the last) in the days of erty and sadness which preceded her husband's death, her daughter, Mrs. Begg. remembered the old man coming in one day from sowing, very weary. He had used all the threshed up grain, and was now desirous of preparing some for feed for the horses; but belomate, on seeing his fatigue, insisted that he should refresh himself by a rest, while she herself would see that the beasts were duly cared for. So she went to the barn with her female servant and the two soon had the necessary corn for the horses threshed and winnowed. Agnes Burner continued to reside with her son Gilbert till her lecease in 1820, in her 88th year, having outlived her son, the poet, twenty-four years.

> In a short appendix on the metres of Burns Mr. Wallace finds it easy to demonstrate that Burns took his favorite forms of verse from Ramsay and Fergusson. The peculiar stanza employed in the verses "To a Mouse" had been largely employed by Scottish poets for comic subjects. Burns showed that it was capable of more serious use, and Wordsworth afterward stamped it with his approbation. Ferguse the immediate predecessor of Burns, found in the volumes of Ramsay many poems in this stanza. Ramsay himself had found it in use contemporary, Hamilton of Gilbertafield; and Hamilton, again, had before him several poems of the same form which had been produced before the middle of the seventeenth century by Robert Semple of Belcrees. At that early period there were burlesque elegies on the noted piper Habble Simpson and on "Sandy Briggs, butler to the Laird of Kilbarchan. exactly resembling in respect of form the elegy by Burns on Tam Sanson, '1 a stanga may be traced in slightly differe i form among the writers of the preceding entury Sir Richard Maitland employed one 4 ffering from it only in the want of a line. If one goes eventy years further back, the germ of the stanza is found in a peculiar group of the poems of Dunbar, where rhymed couplets were what conceitedly associated with alternate origin. Ferdinand Freiligrath, in an article in the Athenaum of June 30, 1866, traced it to the troubadours, and quoted examples dating

> as far back as A. D. 1200. Another of the favorite metres of Burns is that employed in his first "Epistle to David," a remarkably complicated and difficult stanza, which the post had so completely mastered through his extraordinary command of language that he would employ it in bling a note on the most trivial business to a friend. This stanza had been adopted by Ramsay in a poem which he wrote in the style of a former age, and passed off as an antique. Ramsay had found his model in a poem styled "The Cherry and the Slae," by Alexander Montgomery, who flourished in the reign of James VI. The stanza was used by a poet who lived before the days of Montgomery, though so far as is known, only in one piece. This piece is "Ane Ballat of the Creation of the World," written by Sir Richard Maitland to the tune of the "Banks of Helicon." The third stanza, which is deemed worthy of special notice, is that employed in the "Holy Fair" and "Ordination." Mr. Wallace points out that here Hurns directly imitated Fergusson's "Leith itaces" and "Hallow Fair," but the stanza was first brought into vogue by Ramsay in the continuation which he wrote of "Christ's Kirk o' the Green." The form of the stanza was slightly altered by Ramsay, who improved it in both sound and pith.

111. In another appendix of unusual interest, Mr. Wallace defends the memory of Mary Campbell. He has felt called upon to do this because,

thing he wrote about her, is that she was the White Rose" that "grew up and blo the midst of his passion flowers." It is undeniable that, in some quarters, a very different view has been taken of her character. Unverifiable vilage gossip of a century ago would require n attention, but suggestions put forward under the sanction of serious biography can passed over. Now it happens that, in the third Aldine edition of the works of Robert Burns published in 1893 by Messrs. George Bell & Sons and edited by Mr. George A. Aitken, the following statements occur in a note: "It has recently been pointed out on unquestionable authority that a certain Mary Campbell was living in the parish of Dundonald in 1783, and p earlier; was at Mauchline by April, 1784; and was residing in the parish of Stair in February. 1786. When it is remembered that in 1785 Burns was living at Irvine, part of which is i the parish of Dundonald; that he afterward maintained his acquaintance with persons the town; that in March, 1784, he went to reside at Mossgiel, close to Mauchline; that July, 1785. Highland Mary became nurse at Gavin Hamilton's at Mauchline, and that in May, 1786, the parting with Highland Mary occurred, in the parish of Stair, it will be een that we have a most remarkable series of co ncidences—coincidences so strong, indeed, that though absolute proof is wanting, there would seem to be a strong presumption that this Mary Campbell, to whose movements I have referred s the same person as Highland Mary. If tha be the case, there is every reason to believe that Burns first made her acquaintance while he was at Irvine." The character of "this Mary Campbell," whom Mr. Aitken "strongly pre-sumes" to be the same person as "Highland Mary," is no longer a mystery. It is sufficiently indicated in the three following extracts from he records of the kirk session of Dundonald parish: "1784, April 25, Mary Campbell, an inmarried woman, also appeared the Session and confessed that she had brought forth a child in the parish of Mauch line. She was sessionally rebuked and exhort d to repentance, and being interrogated as to who was the father of her child, answered John Hay in Paulstone, and that she resided in this parish when the guilt was committed. The session appointed Mr. Duncan, the minister, to write John Hay of this accusation, and to desire als answer thereto." A week later Mr. Duncar reported that he had received an answer from John Hay to the effect that he entirely denied being the father of Mary Campbell's child, as "never had anything to do with her that way." The second pertinent entry in the parish records is the following: "1786, Feb. 26. The Session, understanding that the Justices of the Peace have ordained John Hay to pay four pounds sterling yearly to Mary Campbell for the main-

land Mary, a conception borne out by every-

Agnes McCletchie, formerly confessed by him The Session appointed him to confess publicly any day he pleased." Now let us see how Mr. Wallace undertakes to dispose of Mr. Aitken's "strong presumpion." It is admitted that Burns probably knew or knew of Mary Campbell in Irvine in 1783, He certainly knew of her "disgrace" in Mauch ine in 1784. He could not fall to know of the revival of the "scandal" associated with that 'disgrace" in the parish of Stair in February. 1786. Yet, somewhere between the middle of the following month and the middle of May, he addressed the mother, not of his, but of John Hay's child:

enance of the child she has laid to his charge

and as she now resides in the parish of Stair

agree to transfer the cognizance of that scandal

as to her to the kirk-session of Stair, who will

please to take the said Mary Campbell under

liscipline for her guitt of fornication with John

Hay." The next entry runs thus: "1787, Dec.

17. John Hay voluntarily confessed fornication

with Mary Campbell and Janet Siller, and also

with Euphan Bowle, from the New Town of

Ayr, and confessed himself the father of a child

brought forth by each of them, and also con-

essed fornication with Marguerite Courdie and

O sweet grows the lime and the orange And the apple on the pine; Can never equal thine,

And again: Her besom burns with bonor's glow,

My faithful Highland lamie. Bix years later he could write of this girl. "My Highland lassie was a warm-hearted, charmng young woman as ever blessed a man with generous love." But obviously, in the light of Mr. Altken's "strong presumption," this por tion of Burns's life would need to be rewritten thus: "Burns's faithful Highland lassie was s warm-hearted, charming young woman, who had blessed John Hay with a too generous love as had four other girls!"

In the second place, if we accept the "strong presumption" theory, we must assume that Mrs. Gavin Hamilton, who was of "gentle" Ayr-shire blood, had no objection in July, 1785, to admitting into her household as nursemaid a young woman, who, in or before April, 1784, had given birth to a child in Mauchline. More over, according to the "strong presumption theory, we must assume that Burns, in 1786, when contemplating exile to the West Indies. and ardently desirous of marriage, in spite of his "desertion" by Jean Armour, turned for consolation to a girl, whose name having figured in the kirk-session books of Mauchline and Stair, must have been notorious in the district. He, burdened with one illegitimate child, and knowing that Jean Armour would shortly give birth to another as events turned out, to twin children-of whom he was the father, contemplated going out to Jamaica to a situation worth £30 a year, and coming back to Ayrshire to marry the mother of an illegitimate child, of which he was not the father. Finally, according to the "strong presumption" theory, Burns went through a solemn ceremony, evidence as to which is borne by the texts on the Bible now preserved in the Ayr monument, with a girl who had shown her lack of self-respect by becoming the mother of a child to a Dundonald farmer. Mr. Wallace submits that enough is here set

forth to show that the "strong presump-tion" of the identity of the Mary Campbell of the Dundonald kirk-session with the "faithful Highland lassie," only of generally accepted tradition, but of Burns's poetry and prose, is based on grotesque incredibility. He prefers to take the comm sense view of the matter and assume it to be at least possible that there were more Mary Campbells than one in the parish of Mauchline at the time. Recalling the fact that it was, and still is, customary in Scotland for a servant girl, when in "trouble," to go to the house of her mother, or to other relatives, for the best of all reasons, that nobody else will give her shelter in such an unfortunate position, Mr. Wallace pronounces it morally certain that the Mary of the Dundonald records was a Mauchline girl-that is to say, a Lowland, not a Highland, lassie; an Ayrshire, not an Argylishire, Campbell. This explanation of the curious coincidence" is strengthened by the fact that, a hundred years ago, there was an exceptionally large number of Campbells in Mauchline parish and village from the family of the Earl of Loudon, whose factor was Gavin Hamilton, down to excisemen, cotters, laborers. It is further to be noted that it was not until ten or eleven years ago that an antiquary, making researches in parish records, stumbled on the Mary Campbell of the Dundonald Session book. Even gossip had not asserted that this Mary Campbell was the "Highland lassie" of Burns's prose and verse, or the nursemaid in Gavin Hamilton's house, for the reason, no doubt, that the two were perfectly well known to be different persons. Burns has never been accused of doing anything supremely foolish. Yet, on the "strong presumption" theory, he is represented as having attempted to pass off the ex-mistress of John Hay, during John Hay's lifetime, as a pure girl, the soul o honor, and his "faithful Highland lassie," and to make his readers believe that she, a Mauchline girl, "crossed the sea" to make arrangements for "our projected change in life," when common talk in Mauchline, not to speak of Stair and Irvine, could have convicted him at once of a ridiculous fatschood.

Mr. Wallace deems it worth while to repel another slander on the memory of Mary Campbell, while the popular conception of Burns's Highbecause, during the past few years, it has been

raguely hinted at in several magazines, and besause, in the interests of truth, it seems deals able that whatever is actually on record relating to Burns should now have publicity given to t. The story is to be found in certain manuscript notes which form part of what are known as the "Laing Manuscripts," a collection now lying in the Edinburgh University Library. These are believed to be the work of Joseph Train, the antiquary, and to have been communicated to Sir Walter Scott when he was contemplating a biography of Burns. They onsist almost entirely of anecdotes relating to the poet, which appear to have been told by his friend John Richmond to a "Mr. Grierson," who seems to have been a collector of Burns gossip, manuscripts, and relics. In one of these notes, entitled "Highland Mary," it is asserted that Mary Campbell was a girl of loose charac ter, who was for a time the mistress of Capt. (or Colonel) Montgommerie, a brother of the Earl of Eglinton, and had "open and frequent" neetings with him, generally at "a small ale house called The Elbow," during the time that she was betrothed to Burns, and was servant in the household of Gavin Hamilton. It is further asserted that a number of the poet's friends, including Richmond, took him to the "Elbow," and that there he was convinced by seeing Montgommerie and Mary together that there had been a love affair between them. Burns's infatuation was such, however, that he did not break off his relations with her. It is admitted by Mr. Wallace to be impossible by dates and other evidence of an equally convincing charac ter, to prove the truth or falsehood of the "Elbow" alehouse story, although it is absolutely incredible that Mr. and Mrs. Hamilton would have retained in their service as nursemaid a girl who was openly the mistress of Capt. Montmerle. He finds it easy, however, to prove by dates the falsehood of an equally circumtantial and scandalous story about Burns and another woman, which, in the "Laing Manuscripts," immediately follows that about 'Highland Mary." So that, being compelled by facts to disbelieve one story to the discredit of Burns, he holds it impossible to believe another whose sole foundation is the same impeached authority. On the whole, the story of Burns's " Highland Lassie" is, and will probably ever remain, more or less of a mystery. She may not have been a Mary "Campbell" at all. Lockhart and "Cristopher North "Inclined to the opinion that she is to be sought for in the girl who inspired "Mary Merison." At all events, Mr. Wallace is convinced that the "Highland Mary," whether of Burns's poetry or of tradition, is not the Mary Campbell of Dundonald records, still less of Joseph Train's histoires scandaleuses.

To the second of these volumes is appended a short essay on the portraits of the poet. There are, it seems, in the National Gallery at Edinburgh, two portraits of Burns painted by Alexander Nasmyth, the original done at sittings in Edinburgh, and the full-length from memory. In the Scottish National Portrait Gallery are three others—an oil painting, a miniature on ivory, and a silhouette. Besides these, there has not as yet at least, been discovered any portrait of the poet which can be proved, by internal or external evidence, to have been done from life. The most celebrated and best authenticated of the paintings is the original picture done from life by Nasmyth, showing the head and bust on a canvas 15 inches by 12. It was presented to Mrs. Burns by the painter, and bequeathed to the Scottish nation by Col. William Nicol Burns. This presentment of the poet has been familiarized by numerous reproluctions, of which the best known is the engraving by Beugo, done for the first Edinburgh edition of the poems. Sir Walter Scott thought the painting represented the poet as if seen in perspective. Beugo, in retouching his plate, after his interviews with Burns, tried to correct this overrefinement; he shortened the face by rounding the chin, and, although Gilbert Burns thought the engraving showed more character and expression than the picture itself, Bengo really vulgarized the face, the scale on which he worked, moreover, being too small to enable him to green its details, reproduction which pleased Nasmyth, and indeed nearly every one, most, was an engraving published in 1830, stippled by William Walker, and mezzo-tinted by Samuel Cousins. Nearly all the engravings that have been put on the market since are attempts to reproduce the Nasmyth portrait. Of the original picture done from the life, Nasmyth made two replicas, one of which, probably touched by Raeburn, is in the National Portrait Gallery, London; the other in the possession of Mrs. Cathcart of Auchengrane, near Ayr. Nasmyth's full-length sketch of the poet, painted from memory, for reproduction in Lockhart's "Life of Burns," is also in the Scottish National Gallery.

The authenticity of the largest of the oil paint-

V.

ings preserved in the Scottish National Portrait Gallery is pronounced by Mr. Wallace very doubtful. It shows the head with a broadbrimmed hat and a whole trunk. It was painted by one Peter Taylor, said to have been an early friend" of the poet, and described by Lockhart as an artist of considerable celebrity at the time of Burns's visit to Edinburgh in 1786, but declared by Nasmyth never to have pretended to have been anything but a coach painter. There is no proof that the poet sat to Taylor except a statement of the latter's widow. and it is a significant fact that Burns never mentioned either Taylor or the fact of his having sat to any painter except Nasmyth and Reid. Nevertheless, Gilbert Burns, who saw the Taylor picture for the first time in 1812, said it was particularly like Robert in the form and air, and Hogg, who saw it at the same time, discovered in it "a family likeness." 1829, declared that he "could not hesitate to recognize this portrait as a striking resemblance of the tiget, though it had been presented to me amid a whole exhibition;" and Mrs. M'Lehose, in 1828, testifies, "In my opinion it is the most striking likeness of the poet I have ever seen. On the other hand, the late William Hall of Liverpool, who had met Burns several times. when he was appealed to in 1828 to authenticate the Taylor portrait, could see in it not the all whitest resemblance to Burns, and left it on record that he was confirmed in his skepticism by Dr. McKenzie, formerty of Mauchline, Mr. Na. smyth, Robert Ainslie, and another. Isabella Burns Begg said it was at first thought to be a portrait of her brother Robert, but that the family afterward agreed it was meant for Gilbert. The Miers silhouette is clared by G. W. Stevenson, R. S. A., to be "in perfect harmony with Nasmyth's portrait." It was bequeathed by W. S. Watson to the Scottish National Portrait Gallery. So also was the miniature on ivory, which, there is good reason to believe, was the portrait alluded to by Burns in a letter to Mrs. Ridell under date of January, 1796: "Apropos to pictures, I am sitting to Reid of this town for a miniature, and I think he has hit, by far, the hest likeness of me ever taken." The face is in profile, the left side being shown, while the Nasmyths and the Taylors show the right. The years that have passed have left their mark on the brow; the features are harder, the eye more sunk. A small black whisker comes down to the jobe of the ear. The favorite portrait of the post is that by Archibald Skarving, done in crayon on grayish toned paper, and now in the possessi of Sir Theodore Martin. There is no record of the poet sitting to Skarving, who might, however, have met him in Edinburgh. The portrait ever, have met him it Edinburgh. The portrait appears to be a well drawn copy of the Nasmyth painting, with variations in several features; the eyes are smaller, the frontal ridge more developed, the hair thinker, the faw squarer, and the head more constactly built. We will only add that a heliograph from the original picture done from life by Nasmyth embellishes the first of these two volumes.

From the Washington Evening Star. Prom the Washington Evening Star.

"That man is a mail catcher," remarked a clerk at the city Post Office, "and one of a class who are in such a hurry for their letters that they cannot wait for them to be delivered in the regular way. They stand in line as every mail is being opened and want their letters immediately. As a rule they are a second-rate kind of agents, who have no office, and they are auxious about their letters for the reason that they expect fees or remittances in them. They come as regularly and as frequently as do the mails; never say a word, and depart as soon as the mails are opened and they find that they are is not something for them, only to center again at the next mail arrival."